

3378. Misbranding of bone phosphate flour and bone phosphate wafers. U. S. v. 1 Opened Barrel, etc. (F. D. C. No. 30299. Sample Nos. 47292-K to 47295-K, incl.)

LIBEL FILED: November 29, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 4 and 15 and September 13 and 18, 1950, from Calumet City, Ill., and Kalamazoo, Mich.

PRODUCT: 1 opened barrel containing 250 pounds of *bone phosphate flour* and 3 unopened drums and 1 opened drum containing a total of 110,500 *bone phosphate wafers* at Loupurex, Pa., together with a number of copies of a magazine entitled "Prevention."

RESULTS OF INVESTIGATION: The products were being repackaged and relabeled by the consignee, Nu-Age Products, Loupurex, Pa. At the time of seizure, there were on hand approximately 200 labels reading, in part, "75 1-Gram Wafer-Tablets Bone Phosphate," approximately 100 labels reading, in part, "300 1-Gram Wafer-Tablets Bone Phosphate," and approximately 500 labels reading, in part, "Bone Phosphate 16 Ounces."

There were also in possession of the consignee about 800 copies of a magazine entitled "Prevention," copies of which were sent to prospective customers.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the magazine were false and misleading. The statements represented and suggested that the articles were effective to prevent poliomyelitis, whereas the articles were not effective for such purpose. The articles were misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: January 18, 1951. Default decree of condemnation and destruction.

3379. Misbranding of Le Joi device. U. S. v. 70 Devices, etc. (F. D. C. No. 30159. Sample No. 91434-K.)

LIBEL FILED: November 21, 1950, District of North Dakota.

ALLEGED SHIPMENT: On or about August 15, 1950, by the Krolop Co., from Bagley, Minn.

PRODUCT: 70 *Le Joi devices* at Enderlin, N. Dak., together with a number of leaflets entitled "Instructions Le Joi." Examination showed that the device consisted of a rubber tube closed at one end by a plastic clamp, the base of which was extended for some distance into the tube, and closed at the other end by a metal knob. A movable ball inside the tube at this end regulated the size. A metal band about $\frac{5}{8}$ inch wide covered the center portion of the tube.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the device contained statements which were false and misleading since the device was not effective for the purpose represented, namely, stimulating the male sex organ.

Further misbranding, Sections 502 (b) (1) and (2), the device failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

DISPOSITION: March 2, 1951. Default decree of condemnation and destruction.

DRUG FOR VETERINARY USE

3380. Misbranding of Dr. Jelen's Liquid Hog Medicine. U. S. v. 7 Jugs, etc. (F. D. C. No. 30435. Sample No. 31353-L.)

LIBEL FILED: February 20, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about October 9, 1950, by Dr. Jelen's Veterinary Supply Corp., from Omaha, Nebr.

PRODUCT: 7 1-gallon jugs of *Dr. Jelen's Liquid Hog Medicine* at Viola, Ill., together with a number of pamphlets entitled "Dealer's Price List April, 1950 Dr. Jelen's Veterinary Supply Corp." and "Customer's Price List April, 1950."

Analysis disclosed that the product consisted essentially of potassium arsenite, sodium hydroxide 11 percent, sodium carbonate, sodium thiosulfate, sodium phosphate, potassium iodide (trace), creosote and anise oil, and licorice extract. Niacin (nicotinic acid), declared on the label, also may have been present but was not determined by analysis.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the pamphlets were false and misleading since the article was not effective for the purposes stated and implied and was not capable of fulfilling the promises and benefit made for it. The statements represented and suggested that the article was efficacious in the treatment of necrotic enteritis "necro," and black scours; that it was helpful as a tonic; that it would help to keep the brood sow in good condition and to produce litters free from "necro"; that it would help prevent losses at weaning time; that it would help to keep hogs free from "necro"; and that it would be of value for slow, sluggish, out-of-condition poultry flocks.

The article was alleged also to be misbranded under the provisions of the Caustic Poison Act, as reported in notices of judgment under that act.

DISPOSITION: April 13, 1951. Default decree of condemnation and destruction.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to Section 705 of the Food, Drug, and Cosmetic Act]

3381-3383

DRUGS AND DEVICES

The cases reported under Nos. 3381 and 3383 were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency; the case reported under No. 3382 was instituted in the District Court of the District of Columbia by Mytinger & Casselberry, Inc. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*
WASHINGTON, D. C., August 7, 1951.

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